



Patent Application
Attorney Docket No. 27124-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Salvi et al.
Serial No.: 10/799,334
Confirmation No.: 6221
Filing Date: March 12, 2004
For: APPARATUS AND METHOD FOR MEASURING AND
MONITORING RANGE OF MOTION OF THE LUMBAR
SPINE

Examiner:
Group Art Unit: 3736

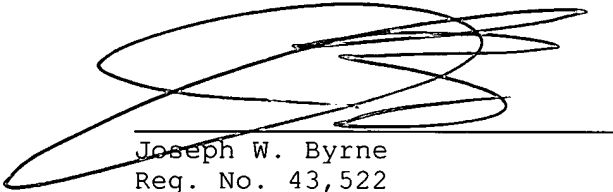
**CERTIFICATE OF MAILING BY FIRST CLASS MAIL
(37 CFR § 1.8(a))**

I hereby certify that the following documents:

- (1) Return Receipt Postcard;
- (2) Transmittal Letter (in duplicate), 3 pages;
- (3) Fee Transmittal, Form PTO/SB/17 (in duplicate), 1 page;
- (4) Notice to File Missing Parts (copy), 2 pages;
- (5) Petition for Extension of Time (in duplicate),
Form PTO/SB/22, 1 page;
- (6) Declaration, Form PTO/SB/01, 7 pages; and
- (7) Powers of Attorney, Forms PTO/SB/81, 6 pages

related to the above-referenced patent application are being deposited herewith with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2004.

Date: December 28, 2004



Joseph W. Byrne
Reg. No. 43,522

BOARDMAN, SUHR, CURRY & FIELD LLP
1 South Pinckney Street, Fourth Floor
P.O. Box 927
Madison, WI 53701-0927
Phone: 608-257-9521
Fax: 608-283-1709
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VIA FIRST CLASS MAIL

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Dear Sir:

The following items are enclosed:

In response to the Notice to File Missing Parts dated
May 28, 2004, enclosed herewith is a fully-executed
Declaration;

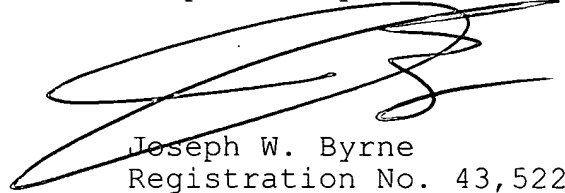
A Petition for Extension of Time Under 37 C.F.R.
§ 1.136(a) requesting a five month extension for
responding to the Notice to File Missing Parts. If
additional extensions of time are required, consider
this a petition therefor; and

A Power of Attorney executed by each inventor

The Commissioner is hereby authorized to charge any required fees to deposit account no. 02-2850. The required fees include the basic statutory filing fee (\$395.00) set forth in 37 CFR § 1.16(a), the surcharge (\$65.00) set forth in 37 CFR § 1.16(e), and the petition fee (\$1,080.00) set forth in 37 CFR § 1.17(a)(5). The Commissioner is also hereby authorized to charge any additional fees or any deficiency in any fees to deposit account no. 02-2850. For the purpose of charging the deposit account, a duplicate of this correspondence is enclosed.

Please date-stamp the enclosed, stamped and self-addressed postcard receipt to acknowledge receipt of this transmittal letter along with the accompanying Declaration, Petition, Powers of Attorney, and any other items listed on the postcard receipt and then mail the postcard receipt back to me.

Respectfully submitted,



Joseph W. Byrne
Registration No. 43,522

Dated: December 28, 2004

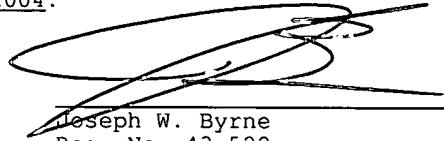
BOARDMAN, SUHR, CURRY & FIELD LLP
1 South Pinckney Street, Fourth Floor
P.O. Box 927
Madison, WI 53701-0927
Phone: 608-257-9521
Fax: 608-283-1709
@PFDesktop\::ODMA\WORLD\DOX\F:\DOCS\WD\27124\2\TRANS3.WPD

CERTIFICATE OF MAILING BY FIRST CLASS MAIL
(37 CFR §1.8(a))

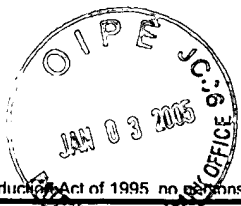
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 28, 2004.

Date:

December 28, 2004



Joseph W. Byrne
Reg. No. 43,522



PTO/SB/17 (12-04v2)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective 07/01/2005

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1540.00

Complete if Known

Application Number	10/799,334
Filing Date	March 12, 2004
First Named Inventor	Salvi et al.
Examiner Name	
Art Unit	3736
Attorney Docket No.	27124-2

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 02-2850 Deposit Account Name: Boardman, Suhr, Curry & Field LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below☐ Charge fee(s) indicated below, **except for the filing fee**☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17☒ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	\$ 395.00
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES**Fee Description**

Each claim over 20 (including Reissues)

Fee (\$)	Small Entity Fee (\$)
50	25
200	100
360	180

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1 - 20 or HP = 0	x 25.00	= 0.00	

HP = highest number of total claims paid for, if greater than 20.

Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
1 - 3 or HP = 0	x 100.00	= 0.00	

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
21 - 100 = 0	/ 50 = 0	(round up to a whole number) x 125.00	= 0.00	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Late oath or declaration surcharge in the amount of \$65.00 (37 CFR 1.16(e)) and Petition Fee under 37 CFR 1.136(a) in the amount of \$1080.00 (37 CFR 1.17(a)(5))

Fees Paid (\$)

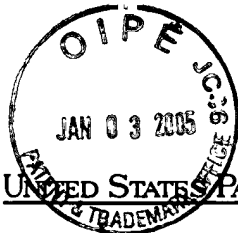
\$1145.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	43,522	Telephone (608) 257-9521
Name (Print/Type)	Joseph W. Byrne			Date December 28, 2004

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/799,334	03/12/2004	Frank J. Salvi	27124-2

CONFIRMATION NO. 6221

22493

BOARDMAN, SUHR, CURRY & FIELD LLP
 ATTN: IP PRACTICE GROUP
 1 SOUTH PINCKNEY STREET, FOURTH FLOOR
 P.O. BOX 927
 MADISON, WI 53701-0927

FORMALITIES LETTER



OC000000012803673

Date Mailed: 05/28/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

01/04/2005 WREKONEN 00000037 022850 10799334

FILED UNDER 37 CFR 1.53(b)

01 FC:2001 395.00 DA
 02 FC:2051 65.00 DA

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:Total additional fee(s) required for this application is **\$450** for a Small Entity

- **\$385** Statutory basic filing fee.
- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

T.L.V. ✓

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE